

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 10/020,130

REMARKS

Claims 1-24 are all the claims pending in the application.

The Examiner rejects:

- claims 5, 10, 16 and 17 under 35 U.S.C. § 112, second paragraph, due to insufficient antecedent basis;
- claims 6-8, 10, 19-21 and 24 under 35 U.S.C. §102(e) as being anticipated by Mohebbi; and
- claims 1-5, 9, 11-18, 20, 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over Mohebbi in view of Kamel et al. (Kamel).

With regard to the Examiner's § 112, second paragraph, rejection, Applicant amends claims 5, 10, 16 and 17 to correct the minor antecedent basis errors noted by the Examiner (see Office Action, paragraph 2). These amendments do not narrow the scope of claims 5, 10, 16 and 17. No estoppel is created.

Applicant traverses the Examiner's prior art rejections as follows.

Applicant's claimed invention provides a transmission power control method for controlling the transmission power of downlink signals from base stations to a mobile terminal (claims 1-5), a receiving method for demodulating user data in the downlink signal from base stations systems (claims 6-10), mobile communication systems in which transmission power of the downlink signal is controlled (claims 1-17), and terminals for receiving user data in the downlink signal from base stations (claims 18-24). These methods, systems and terminals comprising unique combinations of method steps (claims 1-10) and features (claims 11-24) which provide, *inter alia*: during a soft handover, sending notification, from the mobile terminal

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to the base stations, of the ID of the base station that is transmitting the downlink signal with the best downlink reception quality; stopping transmission of user data to the mobile terminal from base stations that do not correspond to the base station ID notified by the mobile terminal; and estimating, at the mobile terminal, which base stations have a likelihood of transmitting user data (see independent claims 1 and 6; see also independent claims 11, 12, 18 and 19).

Mohebbi discloses a soft hand-off in cellular mobile communications networks where:

The mobile station produces a measure of signal quality of the downlink signals from the plurality of base stations to the mobile station and selects a base station from which the downlink signal shows a preferred signal quality. The mobile station transmits an uplink signal indicating the selected base station among the plurality of base stations for subsequent communications with the mobile station. Each base station processes the uplink signal to identify the selected base station from among the plurality of base stations.
(Id., Abstract)

That is Mohebbi discloses nothing more than a soft hand-off where a mobile station selects a base station with a “preferred” downlink quality, and transmits an uplink signal (which may “include an identification of the selected base station”) to the plurality of base stations so that the selected base station maybe identified and used for subsequent transmission (see Id., col. 5, lines 31-54). Thus, Mohebbi discloses nothing more than a soft hand-off analogous to that described in the Background of the Invention section of Applicant’s specification, which suffers the same drawbacks in a situation when the signal bearing the base station ID is poor (see Applicant’s specification, page 5, line 15 through page 6, line 22).

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The Examiner alleges that Mohebbi discloses “estimating, at the mobile terminal, which base stations have a likelihood of transmitting user data” (see Office Action, paragraph 4). In particular, the Examiner alleges that “ranking of base stations” as disclosed in Mohebbi corresponds to “estimation of said base stations likelihood of transmitting user data” (see Id.).

Applicant respectfully disagrees.

Contrary to the Examiner’s analysis, Fig. 7 (cited by the Examiner) of Mohebbi, illustrates nothing more than “actions performed by the signal selection processing portion 48 of the MS [mobile station] 40 when performing uplink processing while the MS is in the soft hand-off region 9” (see Id. col. 6, line 63 through col. 7, line 39). In particular, ranking of the base transceiver stations (BTSs 20), based on “air-interference ranking” and/or “backhaul ranking” (see Id., col. 5, line 64 through, col. 7, line 40; and col. 11, line 13 through col. 12, line 53) has nothing to do with estimating, at the mobile terminal, which base stations have a likelihood of transmitting user data. Instead, ranking is used to generate a message which indicates to the BTSs “the order in which the BTSs are presently ranked.” While the ranking may be based on, *inter alia*, received signal strength of the respective downlink signals that are being received by the MS 40 (see Id., col. 7, lines 1-10), assigning such ranking to BTSs does not in any way suggest that the MS is performing (or has the means to perform) an estimation as to which base stations have a likelihood of transmitting user data. That is, in Mohebbi, the ranking is used by the BTSs to determine which BTS has priority for requesting the MS to reduce/increase its uplink transmission during the soft hand-off (see Id., for example, at col. 7, line 41 through col. 8, line 64). Nowhere does Mohebbi disclose, teach or suggest that the “ranking” of its BTSs has

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anything to do with the MS estimating the likelihood that a given BTS will be transmitting user data.

Thus, Applicant's independent claims 6 and 19, as well as their respective dependent claims 7, 8, 10, 20, 21 and 24 (which incorporate all the novel and unobvious features of their base claims) are not anticipated by (i.e., are not readable on) Mohebbi at least for these reasons.

With regard to Applicant's independent claims 1, 11, 12 and 18, these claims recite the feature of estimating, at the mobile terminal, which base stations have a likelihood of transmitting user data, which, as noted above with respect to claims 6 and 19, is not disclosed, taught or suggested by Mohebbi.

On the other hand, Kamel discloses nothing more than a soft hand-off procedure where "a base station's transmit power level [is adjusted by] a first amount if the base station is participating in a soft handoff and by a second [different] amount if the base station is not participating in the soft handoff" (see Id., col. 4, lines 28-33). Like Mohebbi, nowhere does Kamel disclose, teach or suggest estimating, at the mobile terminal, which base stations have a likelihood of transmitting user data. Therefore, Applicant's independent claims 1, 11, 12 and 18, as well as the dependent claims 2-5, 9, 13-17, 20, 22 and 23 (which incorporate all the novel and unobvious features of their respective base claims), would not have been obvious from any reasonable combination of Mohebbi and Kamel at least for these reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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